

Message Text

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PAGE 01 STATE 025970
ORIGIN L-01

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DRAFTED BY L:MR. FELDMAN:EDK
APPROVED BY L:HERBERT J. HANSELL
H - MR. MOSS (INFO)
ARA/PAN:MR. WYROUGH (INFO)
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TO AMEMBASSY PANAMA NIACT IMMEDIATE

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E.O. 11652: N/A

TAGS: PANAMA CONSTITUTION

SUBJECT: JUDICIAL REVIEW OF PLEBSCITE PROVISION OF
PANAMA CONSTITUTION

REF: HANSELL/JORDEN TELECON

1. SENATE ARMED SERVICES COMMITTEE HAS ASKED LEGAL
ADVISER FOR AN OPINION ON FOLLOWING QUESTION: WHAT WOULD
BE LEGAL EFFECT OF AN ULTIMATE RULING BY THE PANAMANIAN
COURTS THAT FAILURE TO SUBMIT PROPOSED AMENDMENTS
RELATING TO OCTOBER 14TH STATEMENT TO PLEBISCITE
RENDERS TREATY INVALID? COMMITTEE HAS REQUESTED AN
ANSWER TOMORROW.

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PAGE 02 STATE 025970

2. WE TENTATIVELY PROPOSE TO ADVISE THE COMMITTEE THAT
IN THE UNLIKELY EVENT OF SUCH JUDICIAL DECISION, PANAMA
WOULD REMAIN BOUND UNDER INTERNATIONAL LAW BY ITS
RATIFICATION OF THE TREATY. IT WOULD BE VERY HELPFUL
IF WE COULD SUPPLEMENT THAT ADVICE BY STATEMENT THAT
UNDER PANAMANIAN LAW SUCH A DECISION WOULD NOT AFFECT
PANAMA'S TREATY OBLIGATIONS TO THE U.S. HOWEVER,

ARTICLE 188 OF THE PANAMANIAN CONSTITUTION DOES
CONTEMPLATE THE POSSIBILITY OF JUDICIAL REVIEW OF LAWS
"AND OTHER ACTS". WE WOULD APPRECIATE ANY ADVICE YOU

CAN GIVE US IN THIS RESPECT. OBVIOUSLY ANY ANSWER WE
MAKE WILL BE ON PUBLIC RECORD AND SUBJECT TO
CHALLENGE IN BOTH U.S. AND PANAMA. VANCE

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Message Attributes

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Decaption Note: 25 YEAR REVIEW
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Disposition Date: 20 Mar 2014
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